

HOUSE BILL 2737  
By Bunch

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 6, Part 6, relative to disclosure of physician interests.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-6-603(7), is amended by deleting the subsection in its entirety and substituting instead the following:

(7) Physicians shall disclose their investment interest to their patients when making a referral. Such disclosure shall be given to the patient in writing and the physician shall obtain the patient's signature upon the face of the disclosure. Patients shall be given a list of effective alternative entities if any such entities become reasonably available, informed that they have the option to use one of the alternative entities, and assured that they will not be treated differently by the physician if they do not choose the physician-owned entity. These disclosure requirements also apply to physician investors who directly provide care or services for their patients in entities outside their office practice;

SECTION 2. Tennessee Code Annotated, Section 63-6-607, is amended by designating the present language as subsection (a) and adding the following language as subsection (b):

(b) In addition to the penalties set out above, a violation of this section shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of trade or commerce under the Tennessee Consumer Protection Act, compiled in title 47, chapter 18, part 1, and as such the private right of action remedy under such act shall be available to any person who suffers an ascertainable loss of money or property, real, personal, or mixed, or any other article, commodity, or thing of value wherever situated as a result of such violation.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.